

Protection Order Committee
Judicial Conference of Indiana

Minutes

August 24, 2007

The Protection Order Committee met at the Indiana Judicial Center on Friday, August 24, 2007 from 12:00 noon – 3:15 p.m.

1. Members present. Tammy Baitz, John W. Hammel, J. Douglas Knight, Christopher A. Newton, Jerry L. Ummel, Kim VanValer and Thomas H. Busch, Chair.
2. Staff present. Jeffrey Bercovitz, and Tom Jones provided the committee with staff assistance.
3. Guests present. Mary DePrez, Director and Counsel, Trial Court Technology; Pat Hess, Consultant, Entara Technology Group for JTAC; Lindsey Borschel, Senior Judge Barbara Harcourt and Justin Harter, JTAC were also present.
4. Minutes. The minutes for June 29, 2007 were approved.
5. New Protection Order forms and procedures. Jeffrey Bercovitz distributed a copy of the protection, no contact and child protection order forms, and revised Chapter 3 and 4 of the Protection Order Deskbook for placement in the Deskbook.
6. Annual report. Committee members revised a proposed annual report of the committee's activities for the past year.
7. Protection Order Registry. Mary DePrez and Pat Hess gave a report on the implementation of the Protection Order Registry (POR). The POR is in 13 counties; and training and/or a contact has occurred in 69 counties. Grant monies are available to counties that need computer equipment for data entry. Committee members discussed an ex parte order entered in the POR and how to administer it when it moved to another court. Judge Busch offered the support of the committee for implementation and offered to present educational programs on best practices. Mary DePrez offered to come to the October 26 meeting of the committee to demonstrate the upgraded system and Clerk Baitz and Judge Van Valer agreed to report on implementation scheduled for their counties.
8. Projects for 2007-2008. Members of the committee agreed to review and revise the Protection Order Deskbook: Judge Hammel - Chapter 1, Judge Busch - Chapter 4, Judge Van Valer - Chapter 6, and Judge Newton-Chapter 10. Jeffrey Bercovitz distributed materials on return of firearms after the protection order expires.
9. Definition. Jeffrey Bercovitz distributed a new definition of domestic and family violence under HEA 1387. Committee members agreed to review this for the next

meeting to determine any changes to the Deskbook, other than the printing of the definition in the instructions and in the Appendix.

10. Magistrate signature. Jeffrey Bercovitz distributed the Allen County statute, which permits magistrates to sign protection orders without the signature of a judge. Judge Knight reported he had previously asked their state representative to change Vanderburgh County's statute in this area. The committee requested he ask his representative to change the magistrate statute on a statewide basis and he agreed to do so.
11. Dixon v. State. Jeffrey Bercovitz distributed **Dixon v. State**, 869 N.E.2d 516 (Ind. Ct. App. 2007) to members of the committee. This case would not permit a victim's invitation to the respondent to enter a home to nullify a protection order. The existing Indiana statute, Ind. Code 34-26-5-11 was cited with approval. The committee agreed this case would be included in the Deskbook's outline of cases.
12. Ex Parte orders. Judge Busch distributed an email from Judge Kepner about discussion of a petition for an ex parte protection order with the petitioner and his response. Judge Kepner did not agree with the Protection Order Committee's thoughts, contained in the Deskbook, which would permit the discussion in limited circumstances.
13. Future meeting dates.
 - a. Members of the committee agreed to discuss deskbook revisions, assistance to JTAC, and facilitation of training at the next meeting.
 - b. Committee members agreed to meet again on: Friday, October 26, 2007, January 25, 2008, February 22, 2008, March 28, 2008, April 25, 2008 and June 27, 2008 all from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center. The committee will only meet once in January and February. If the January meeting is cancelled due to weather, the committee will meet in February.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law